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Attorneys for plaintiff, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a Connecticut
corporation;

Plaintiffs,

v.

CENTEX HOMES, a Nevada general partnership;
CENTEX REAL ESTATE CORPORATION, a
Nevada corporation; and DOES 1 through 10
inclusive,

Defendants.

) Case No. C-15-4951-JST

)

) **STIPULATION AND ~~PROPOSED~~**

) **ORDER RESETTING DEADLINES**

) **FOR DEFENDANTS' MOTION TO**

) **DISMISS PLAINTIFF'S COMPLAINT**

)

) Judge: The Hon. Jon S. Tigar

) Date: January 28, 2016

) Time: 2:00 p.m.

) Ctrm.: 9, 19th Floor

)

) Trial Date: None set.

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PURSUANT TO LOCAL RULE 7-7(d), Plaintiff Travelers Property Casualty Company of America (“Travelers”) and defendants Centex Homes and Centex Real Estate Corporation (collectively, “Centex”) submit the following stipulation resetting the deadlines for Centex’s motion to dismiss, presently set for hearing on January 28, 2015 [Dkt. No.17].

The hearing on the motion was initially set for hearing on January 7, 2015 [Dkt. No. 11]. The parties are presently in ongoing settlement discussions that could result in the dismissal of this action without prejudice. Centex agreed to continue the hearing to January 28, 2015 so as to avoid the parties having to incur time and expense in filing and serving opposing or reply papers during the pendency of these settlement discussions. Given that a continuance of the motion does not extend the time for filing and serving the opposing papers or reply papers, the parties now submit this stipulation requesting that the Court reset the deadlines for Centex’s motion to dismiss. The parties request the following deadlines:

1. Any opposition must be filed by no later than December 30, 2015; and,
2. Any reply must be filed no later than January 6, 2016.

Dated: December 4, 2015

THE AGUILERA LAW GROUP, APLC

s/: Thomas V. Perea

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Jason Y. Chao, Esq.

Thomas V. Perea, Esq.

Attorneys for Plaintiff

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA

Dated: December 4, 2015

PAYNE & FEARS LLP

s/: Thomas L. Vincent

Thomas L. Vincent, Esq.

Attorneys for Defendants

CENTEX HOMES and CENTEX REAL ESTATE CORPORATION

ORDER

After full consideration of the parties' stipulation to reset the deadlines for Centex's motion to dismiss Travelers' Complaint, presently set for hearing on January 28, 2016, the Court finds as follows:

IT IS HEREBY ORDERED that:

1. Any opposition to the motion must be filed by no later than December 30, 2015; and,
2. Any reply thereto must be filed no later than January 6, 2016.

Dated: December 4, 2015

